

## PATENT COOPERATION TREATY

10 JUN 2005

From the:  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

FRIDAY, 01 APR 2005

To:  Davies Collison Cave Level 15 1 Nicholson Street MELBOURNE VIC 3000		<b>PCT</b> NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Rule 71.1)	
		Date of mailing day/month/year	- 1 APR 2005
Applicant's or agent's file reference 12383600		<b>IMPORTANT NOTIFICATION</b>	
International Application No. <u>PCT/AU2003/001664</u>	International Filing Date 12 December 2003	Priority Date 13 December 2002	
Applicant THE WALTER AND ELIZA HALL INSTITUTE OF MEDICAL RESEARCH et al			

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translations to those Offices.

#### 4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide

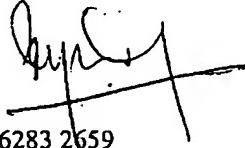
Name and mailing address of the IPEA/AU  AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6283 3929	Authorized officer  S.R. IDRUS Telephone No. (02) 6283 2659
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**PATENT COOPERATION TREATY**  
**PCT**  
**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**  
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 12383600	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU2003/001664	International Filing Date (day/month/year) 12 December 2003	Priority Date (day/month/year) 13 December 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. 7 C07K 14/47, A61K 38/17, A61P 35/00		
Applicant THE WALTER AND ELIZA HALL INSTITUTE OF MEDICAL RESEARCH et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
  - This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).
3. This report contains indications relating to the following items:
  - I  Basis of the report
  - II  Priority
  - III  Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV  Lack of unity of invention
  - V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI  Certain documents cited
  - VII  Certain defects in the international application
  - VIII  Certain observations on the international application

Date of submission of the demand 22 June 2004	Date of completion of the report 29 March 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  S.R. IDRUS Telephone No. (02) 6283 2659

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU2003/001664

**I. Basis of the report****1. With regard to the elements of the international application:\***

- the international application as originally filed.
- the description, pages , as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of
- the claims, pages , as originally filed,  
pages , as amended (together with any statement) under Article 19,  
pages , filed with the demand,  
pages , received on with the letter of
- the drawings, pages , as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of
- the sequence listing part of the description:  
pages , as originally filed  
pages , filed with the demand  
pages , received on with the letter of

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language which is:

- the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

**4.  The amendments have resulted in the cancellation of:**

- the description, pages
- the claims, Nos.
- the drawings, sheets/fig.

**5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/AU2003/001664

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	YES
	Claims 1-32	NO
Inventive step (IS)	Claims	YES
	Claims 1-32	NO
Industrial applicability (IA)	Claims 1-32	YES
	Claims	NO

## 2. Citations and explanations (Rule 70.7)

The following documents were cited in the International Search Report:

- D1 Lai, C.H. et al, "Identification of Novel Human Genes Evolutionarily Conserved in *Caenorhabditis elegans* by Comparative Proteomics" Genome Res. 10(5), 703-713 (2000)
- D2 Collins FS, "Generation and initial analysis of more than 15,000 full-length human and mouse cDNA sequences" Procedure of the National Academy of Sciences, December 24, 2002 (published online before print, December 11, 2002), Vol 99, No. 26, 16899-16903
- D3 Yamanaka, M. et al "Molecular cloning and characterization of phosphatidylcholine transfer protein-like protein gene expressed in murine haploid germ cells" Biol. Reprod. 62(6), 1694-1701 (2000)
- D4 WO 2003/004989 A2 (MILLENIUM PHARMACEUTICALS) EPD 21 June 2001, Published 16 January 2003.
- D5 WO 2001/055364 A2 (HUMAN GENOME SCIENCES), Published 2 August 2001.

D1 discloses sequences that are 100% identical to sequence ID No.s 5 and 6 in the application.

D2 discloses sequences that are 100%, 97% and 63% identical to sequence ID No.s 5 and 6 in the application.

D3 discloses sequences that are 97% identical to sequence ID No.s 5 and 6 in the application.

D5 discloses sequences that are 90% and 89% identical to sequence ID No.s 5 and 6 in the application.

D4 is considered an intermediate document, being published after the priority date but having an earlier priority date than the application. D4 discloses sequences that are 90% and 89% identical to sequence ID No.s 5 and 6 in the application.

The claims of the application are directed to an amino acid sequence that is at least 40% similar to sequence ID No.s 5 or 6. Therefore, it is considered that claims 1-32 are not novel and lack an inventive step in the light of the documents D1 to D3 and D5, and are not novel in the light of D4.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/AU2003/001664
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**VI. Certain documents cited****1. Certain published documents (Rule 70.10)**

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date ( valid claim) (day/month/year)
WO 2003/004989	16.01.2003	21.06.2002	21.06.2001

**2. Non-written disclosures (Rule 70.9)**

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)